

05-17-05

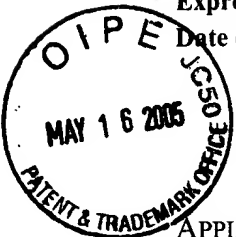
1644

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Date of Deposit: May 16, 2005

Attorney Docket No. 25619-501 (Formerly 01/21885)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Schoenfeld *et al.*

SERIAL NUMBER: 09/806,400

EXAMINER: Ron Schwadron, Ph.D.

FILING DATE: March 30, 2001

ART UNIT: 1644

FOR: COMPOSITIONS FOR THE PREVENTION AND/OR TREATMENT OF
ATHEROSCLEROSIS

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified application:

1. Response to Notice of Non-Compliant Amendment Under 37 CFR §§ 1.121 (1 pg);
2. Copy of Notice of Non-Compliant Amendment Under 37 CFR §§ 1.121 (2 pgs);
3. Compliant Response to Election of Species Restriction Requirement
timely filed February 1, 2005 (4 pgs);
4. Return Postcard.

Applicants believe no fees are due with this submission. However, the Commissioner is hereby authorized to charge payment of any filing fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 25619-501). A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

Matthew Parns Reg. No. 50,572

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Dated: May 16, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,400	03/30/2001	Yehuda Shoenfeld	01/21885	1174

30623 7590 05/03/2005

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
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EXAMINER

SCHWADRON, RONALD B

ART UNIT

PAPER NUMBER

1644

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<input checked="" type="checkbox"/> Data Entry	<u>6/3/05</u>
<input checked="" type="checkbox"/> Docket Entry	<u>11/3/05</u>
<input type="checkbox"/> Docket Cross Off	
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Req.	
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	

RECEIVED
MAY 05 2005
MINTZ LEVIN, BOSTO.
PATENT DOCKET DEP.



**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.	Applicant(s)	
09/806,400	SHOENFELD ET AL.	
Examiner	Art Unit	
Ron Schwadron, Ph.D.	1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 2/1/2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Regarding point C, claim 26 should be identified as "withdrawn".

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflver.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.